

Park County Commission Meeting Minutes
Week of January 30 – February 3, 2012
Park County, Montana

January 30, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:43:23 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Robert Smith, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo email re. Montana Watershed Coordination Council informational link
- Memo email re. RC&D sustainability conference
- Memo email re. Boulder River Road Project
- Memo email re. grants review committee bylaws
- Memo email re. server quotes
- Memo email re. subdivision site visit
- Memo email re. unobligated Title III funds
- Memo document re. community development department project status update
- Memo email re. northeast Montana crime
- Memo document re. road work permit application
- Memo document re. Bear Creek Council compactor letter of support
- Memo document re Resolution #185
- Memo document re. Gardiner jail property report

Robert Smith, citizen, addressed citizen complaints from Cooke City residents about his snow plowing efforts, as presented by Commissioner Malone.

@9:26:24 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 30, 2012

Signing of Agreement and Joint Resolution for Mutual Aid between Park County Sheriff's Office and Livingston Fire Department

@9:35:03 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Shannan Piccolo, civil deputy county attorney; Scott Hamilton, PCSO; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign an agreement and joint resolution for mutual aid between the Park County Sheriff's Office (PCSO) and the Livingston Fire Department.

Civil Deputy County Attorney Shannan Piccolo said the agreement permits the two departments to share resources and cooperate in providing emergency services. Undersheriff Scott Hamilton said PCSO utilizes Livingston Fire Department paramedics for search and rescue efforts.

Commissioner Malone moved to sign the agreement and joint resolution. Commissioner Durgan seconded the motion. Motion passed.

@9:38:26 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

January 30, 2012

Status of Proposed Interim Donut Zoning District Legal Description Research and Findings

@10:02:40 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman; planning; Fred Hall, surveyor; Kerry Fee, PCEC; Wes Venteicher, Livingston Enterprise; Chuck Donovan and Lenore Haws, citizens; and John Mueller, minutes clerk.

The meeting was scheduled to discuss the status of the proposed interim donut zoning district legal description research and findings.

Zoning Administrator Mike Inman said Surveyor Fred Hall is working with the county to address discrepancies between a donut-area map and the legal description of the interim donut zoning district. Inman said discrepancies involve, in part, a property in the Mission/West Boulder Zoning District, so Hall was asked to redraw the maps to match the legal descriptions in attempt to devise an accurate legal description for the interim zoning district. Inman said he proposes the Commission move forward with modifying the existing legal description for the donut by utilizing the quarter section line in Section 15 as the easterly border, which is what the current map reflects. He said the current description includes a reference to Chicken Creek Road in Section 15, T2S, R9E as the easterly border for the area, but there is no Chicken Creek Road in section 15 as it was taken out of the original "donut" jurisdiction. Commissioner Taylor said he would like to use the quarter section line rather than the arbitrary Chicken Creek Road as the boundary line.

Commissioner Malone moved to accept the map as presented by Mr. Inman and Hall. Commissioner Durgan seconded the motion. Motion passed.

Inman said he will advertise for the required public comment period and then schedule a public hearing before the Commission to consider approval of the map after the comment period ends.

@10:17:29 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 30, 2012

Review of Minutes for Week of January 23, 2012

@11:02:55 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review minutes for the Week of January 23, 2012.

Commissioner Malone requested a revision to Page 3 of 10; last paragraph; insert "Road Supervisor Hillman submitted a written opinion that he and mechanic Dan Hackman recommend the county not purchase said loader."

Commissioner Malone moved to approve the minutes as corrected. Commissioner Durgan seconded the motion. Motion passed.

@11:07:12 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

January 31, 2012

County Road Updates/Engineering Services Updates

@8:03:48 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road; Mark Westenskow and Kevin Feldman, CTA; Wes Venteicher, Livingston Enterprise; Duane Long, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to discuss county road updates and engineering services.

Kevin Feldman, CTA Engineering, said CTA has gathered hydraulic data on Cavanaugh Creek regarding a proposed culvert installation project. He said the outflow amount is governed by downstream diversion and possible erosion that could result from the proposed work by the county. The Commission scheduled a meeting with residents in the area on February 9 to discuss the project design.

Feldman said he recommends designing the Billman Creek Bridge on Miller Drive with freeboard at maximum creek capacity, which will require elevation of the roadway by 2.5

feet. Commissioner Malone said he thinks the Commission should meet with landowners in that area about the issue on February 9, as well.

Road Supervisor Ed Hillman said the road crew hauled gravel to Muddy Creek and Horse Creek, and will haul to Cottonwood Bench the rest of the week as weather permits. He said half of White Lane is finished, but the crew still needs utility locates.

Citizen Duane Long asked for a copy of Resolution #1020. He said he wants the old county road in the Whispering Pines area left open in the event equipment needs to be brought in. Malone said the issue is the resolution was in effect and he thinks the county needs to close the access and solve the problem once and for all. Long said he will fight his rights being imposed upon. Malone said Long needs to put the boulders back in the county road right-of-way and put the sign back up per the resolution. Long said the boulders should never have been on a county right-of-way to begin with and he wants the county road opened and a private citizen's fence out of middle of the road. Malone asked if Long will cease and desist on his efforts. Long said he is going to continue to use the county road until he has rip-rap hauled. Long said he will have to use the road for the next month, as it is not safe to drive a loaded truck on the current road. Malone said he will talk further with the county attorney on the issue. Malone asked Hillman to sand the road in question. Malone said the county will sand the road that day.

@9:19:05 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 31, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@9:20:23 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo email re. department head meeting agenda
- Memo email re. Cooke City snow removal comments
- Memo email re. solid waste presentations
- Memo document re. refuse assessment request
- Memo document re. proposed dance hall complaint
- Memo email re. county department mailbox access
- Memo email re. fair board member applicants

@9:34:56 a.m., Taylor moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

January 31, 2012

9:30 A.M. – Human Resources Updates – Commission Chambers – Canceled

January 31, 2012

Discussion/Decision to Increase of Park County Sheriff's Office Civil Fees

@10:37:00 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Scott Hamilton, Allan Lutes and Colleen Singer, PCSO; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a decision to increase Park County Sheriff's Office (PCSO) civil fees.

Sheriff Allan Lutes said he is in agreement with the proposed fee increases. Clerk Colleen Singer provided the Commission with a document showing current fees charged by the PCSO civil office, fees of other Montana County civil offices and proposed increases to PCSO civil office fees. Singer said Montana Code Annotated 7-32-2141 permits county commissioners to set the fees in the civil office. Lutes said the PCSO proposes the fee increases in attempt to recoup costs. Singer said the request is to have the fee changes effective immediately.

Singer reviewed current and proposed fees for the following: service fees for summons and complaints, subpoenas, letters and postings (with no proposed charge for mileage); service fees of a subpoena; service fee of orders, letters, etc; postings; writ of execution fees (only for wage garnishments and bank levies); writ/sheriff's sale of personal property; writ/sheriff's sale of real property; agister lien; writs of assistance/stand by; postponement fee and fingerprints fee.

Commissioner Durgan moved to accept the recommendations by the Sheriff's Office on civil fees and increase those civil fees. Commissioner Malone seconded the motion. Motion passed.

@11:04:51 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 31, 2012

Litigation Strategy for Rom v. Hanser

@1:32:49 p.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss litigation strategy for Rom v. Hanser.

Commissioner Durgan moved to close the meeting to the public to discuss litigation strategy. Commissioner Malone seconded the motion. The meeting was closed.

@1:57:51 p.m., the meeting reopened.

Commissioner Durgan moved to have the civil deputy county attorney continue to negotiate with the parties in the Rom v. Hanser litigation. Commissioner Malone seconded the motion. Motion passed.

@1:58:31 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 31, 2012

5:30 P.M. – Museum Board – Yellowstone Gateway Museum – Commissioner Taylor attended

Voided Checks

Claims #: 74087; 74200

February 1, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:33:54 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo email re. February 2 State Veteran's Affairs meeting
- Memo email re. phone system upgrade
- Memo document re. MACo annual CPI
- Memo email re. Boulder resident refuse assessments
- Memo email re. oil and gas counties meeting
- Memo email re. main Boulder Road work bids
- Memo document re. Cooke City SAR building
- Memo email re. February 2 Rancher's Round Table Seminar
- Memo email re. Montana Cowboy Hall of Fame annual convention
- Memo documents re. solid waste surveys
- Memo document re. public information request
- Memo email re. January RC&D board meeting email vote

- Memo email re. Prospera CRDC
- Memo email re. regulatory changes
- Memo email re. Tiger transportation grant
- Memo email re. February 2 Senator Tester outreach session
- Memo email re. site selector MOU
- Memo email re. February 16 economic development subcommittee meeting
- Memo email re. February 2 fair board applicants meeting

Raea Morris, administrative assistant, reported on a January 31 telephone training.

Commissioner Taylor reported on a January 31 Yellowstone Gateway Museum meeting.

Commissioner Malone said Park and Sweet Grass Counties discussed using Great West Engineering to apply for a gravel permit.

@9:17:11 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

February 1, 2012

City/County Meeting

@9:37:47 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were City Commissioners James Bennett, Mel Freidman and Adam Stern; Shannan Piccolo, civil deputy county attorney; Pam Payovich, city of Livingston; Camden Easterling and Jackie Adams, Livingston Enterprise; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss joint efforts between the city of Livingston and Park County.

Commissioner Taylor opened the floor to public comment. None made

Angel Line Parking Issue: Commissioner Malone said the Angel Line Board has concerns with the Angel Line service designated parking space in front of the senior center being illegally used by motorists. He said the Angel Line Board is asking the city to be more aggressive in enforcing the no parking zone. Taylor read into the record a memo with requested action on the matter from Angel Line board chair Lee Parriott. The city commissioners said they will talk to City Manager Ed Meece about the issue. Mel Friedman said he will talk to the executive director of the senior center about the issue.

Discuss Security/Locks for City/County Complex: Taylor said courthouse doors and locks will be redone for safety and ADA purposes, ideally with grant funding, and the county needs the city's input on the issue.

City/County Compact: Civil Deputy County Attorney Shannan Piccolo said the compact can be implemented with either an MOU or resolution. There was discussion that the city and county will likely opt to draft resolutions for the agreement.

Cleaning Contract: Friedman provided his comments after reviewing the county courthouse janitorial services contract. Friedman said the courthouse cleaning contractor should collect trash daily, there should be one point of contact to address contractor issues, routine update meetings should be held with the contractor to discuss any issues, and locking of building doors at night is an important issue to address. Friedman said “public areas” should be cleaned daily, such as main walkways, door knobs, sinks and light switches. He said high traffic areas should be vacuumed daily, but all wall-to-wall vacuuming should be done by the end of the week, not nightly as currently written. He said closet slop sinks need to be cleared for immediate use when needed. He said window and carpet cleaning needs to be defined as to whether the janitorial crew or a subcontractor will do the work. Friedman said he does not like task check-off sheets, as such can create too much paperwork for contractors to deal with. The commissions reviewed language in cleaning contract.

Other Business/Comments: Taylor said the county refuse manager thinks a trial refuse effort with the city likely will start on February 3. He said roll-off boxes are already going to the city. Malone said the landfill will not be closed during the trial period, and the county has no plans to close the landfill at this time.

March meeting agenda items were discussed, and will include, in part, an update on the progress of the city/county compact, a report on the trial refuse effort and updates on the Angel Line parking and building locks issues.

Public Comment: None

@10:29:26 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

February 1, 2012

Signing of Contract with CTA Engineering for Fleshman Creek Final Design

@11:03:06 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Barbara Woodbury, environmental health; Philip Fletcher, community development; Parks Frady and Mark Westenskow, CTA; Mike Cox, Oasis Environmental; Kerry Fee, PCEC; Chuck Donovan, citizen; Wes Venteicher, Livingston Enterprise; and John Mueller, minutes clerk.

The meeting was scheduled to sign a contract with CTA Engineering for Fleshman Creek Restoration Project final design work.

Mark Westenskow, CTA Engineering, provided the Commission with a contract he said was jointly drafted with assistance from Civil Deputy County Attorney Shannan Piccolo. Commissioner Malone said there is not a lot of detail in the scope of services for a half-million dollar project. Westenskow reviewed that document as provided by CTA with the Commission.

Commissioner Durgan moved to sign the contract with CTA for the Fleshman Creek Final Design. Commissioner Malone seconded the motion. Motion passed unanimously.

Citizen Chuck Donovan asked if a diversion dam will be installed in the Yellowstone River to keep water in the Fleshman Creek channel. Mike Cox, Oasis Environmental, said a diversion dam is not part of the project plan, but the city of Livingston is in the planning phase of addressing that issue.

@11:27:18 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

February 2, 2012

8:30 A.M. – Juvenile Detention Meeting – Juvenile Detention Office – Commissioner Durgan attended

February 2, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@10:53:47 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo email re. February 1 AFLAC representative visit
- Memo email re. February 2 Fire Council meeting
- Memo email re. public transportation informational meeting
- Memo document re. road shop propane quote
- Memo document re. Montana FWP elk/brucellosis working group
- Memo document re. Old Faithful Lodge area cabins
- Memo document re. county cell phone reimbursement stipend
- Memo email re. Robert's Rules of Order webinar
- Memo email re. Northern Rocky Mountain RC&D CEDS process
- Memo document re. City/County Compact

Commissioner Durgan reported on a February 2 Juvenile Detention Board meeting.

There was discussion about the Commission serving as the managerial and planning body of the road department budget and work plan. There was discussion about discussion topics for a February 7 public meeting in which the Commission will review a road department efficiency consultant report.

@11:42:50 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

February 2, 2012

12:00 P.M. – Senator Tester Office Outreach Session – Community Room

February 2, 2012

Signing of Resolution Increasing Sheriff's Office Civil Fees

@1:31:54 p.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Scott Hamilton and Colleen Singer, PCSO; Stacy Bragg, citizen; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a resolution to increase Sheriff's Office (PCSO) civil fees.

Commissioner Durgan said there was consensus from a discussion on the matter two days ago that the fees were in line with what was acceptable to the Commission and would put the PCSO civil fees in line with other counties throughout the state. Civil Deputy County Attorney Shannan Piccolo said the fees will be effective upon passage of the resolution.

Commissioner Durgan moved to sign the resolution to increase the Sheriff's Office civil fees. Commissioner Malone seconded the motion. Motion passed.

@1:34:05 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

February 3, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@9:10:47 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo email re. Main Boulder Road project data request
- Memo email re. county EOP resolution
- Memo email re. SWB board application
- Memo email re. community development director meetings schedule
- Memo document re. BioSeal bid estimate
- Memo email re. rock hauling on Boulder Road in Whispering Pines Subdivision
- Memo document re. postage meter reader
- Memo email re. February 13 MT Oil, Gas and Coal Counties meeting
- Memo email re. weed board applicants
- Memo email re. county election audit committee appointments
- Memo email re. recommended YGM board members
- Memo email re. MACo Healthcare Trust data sharing
- Memo email re. Angel Line no parking zone issues

@9:42:19 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

February 3, 2012

Discussion/Decision on Signing a Letter of Support for Prospera Business Network to Serve as a Designated Certified Regional Development Council

@10:20:07 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider signing a letter of support for Prospera Business Network to serve as a designated certified regional development council.

Commissioner Malone said Gallatin County and the city of Livingston have signed the letter of support. Commissioner Durgan said Park County has dealt with Prospera on efforts in the past and he is comfortable with that entity serving in the proposed capacity.

Commissioner Durgan moved to sign the letter of support for Prospera to become a designated regional certified development council. Commissioner Malone seconded the motion. Motion passed.

@10:21:17 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

February 3, 2012

Discussion on Purchase/Rental of Hallett Minerals Company Property for SAR Building

@1:33:51 p.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Allan

Lutes, Wendy Wood, Scott Hamilton and Greg Todd, PCSO; Jerry Fryberger and Gail McCormick, Hallett Minerals; Rich Adams, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to discuss purchase/rental of the Hallett Minerals Company Property for a Search and Rescue (SAR) storage building.

Undersheriff Scott Hamilton said the Quonset building at the fairgrounds is not sufficient for storing SAR equipment and is taking away from fairgrounds use of the building. Hamilton said the Sheriff's Office (PCSO) feels the Hallett Minerals Company building would work well for SAR's needs, as security is a big issue for storing PCSO's valuable, sensitive equipment. Sheriff Allan Lutes said he feels the Hallett building is well suited for PCSO needs as a business office, training and conference center with ample parking. Lutes said the facility also will provide for on-site maintenance of equipment, and the location of the building enables response to emergencies with two access points. Citizen Rick Adams said he feels the property would be an ideal location because of parking and other issues at the current fairgrounds storage location associated with busy fair activities.

Gail McCormick, Hallett Minerals, said the property consists of 3.999 acres accessible by Church Drive, an office of 1,300 square feet, a shop measuring 40 by 60 feet and two water wells. She said the property has two rental buildings, a one bedroom cottage and two-bedroom house. She said there is a second heated shop and lean-to on the property. Jerry Fryberger, Hallett Minerals, said the property is listed at \$1.2 million, but Hallett is open to discussion with the county, including holding paper and a long-term lease arrangement with an option to buy.

Lutes said Hamilton and Wendy Wood, SAR, will work with Hallett representatives to come up with rough lease and purchase numbers for review. Fryberger said the lease with option to purchase agreement could be written for a three or five-year period, with a possible option to extend the lease with first right of refusal upon agreement of both parties. He said the county would have to provide a down payment on the building.

@2:01:26 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

Randy Taylor, R.S.
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana